

# EXHIBIT “1”

# EXHIBIT “1”



MORAN BRANDON  
BENDAUID MORAN  
ATTORNEYS AT LAW

630 SOUTH 4TH STREET  
LAS VEGAS, NEVADA 89101  
PHONE: (702) 384-8424  
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1 REA

2 Alex J. De Castroverde  
3 Nevada Bar No. 6950  
4 Orlando De Castroverde  
5 Nevada Bar No. 7320  
6 De CASTROVERDE LAW GROUP  
7 1149 South Maryland Parkway  
8 Las Vegas, Nevada 89104  
9 Tel. 702.383.0606  
10 Fax: 702.383.8741  
11 Email: Alex@decastroverdelaw.com  
12 Email: Orlando@decastroverdelaw.com  
13 Attorneys for Plaintiff

14 DISTRICT COURT  
15 CLARK COUNTY, NEVADA

16 SILVIA SANDOVAL,

17 Plaintiff,

18 v.

19 ALBERTSONS, LLC d/b/a ALBERTSONS;  
20 DOES I-X, inclusive, and ROE  
21 CORPORATIONS I-X, inclusive,

22 Defendant,

CASE NO.: A-17-750493-C  
DEPT NO.: XXX

REQUEST FOR EXEMPTION  
FROM ARBITRATION

23 Plaintiff SILVIA SANDOVAL through her attorney Orlando De Castroverde  
24 requests the Court exempt this action from arbitration pursuant to Nevada Arbitration  
25 Rules 3 and 5, as this case:

26 a. \_\_\_\_\_ Presents a significant issue of public policy;

27 b. XXX Involves an amount in issue in excess of \$50,000 exclusive  
28 of interest and costs;

1 c. \_\_\_\_\_ Presents unusual circumstances which constitute good  
2 cause for removal from the program.

3 A specific summary of the facts which supports Plaintiff's contention from  
4 exemption is as follows:

5 On or about July 5, 2015, Plaintiff was a patron at the Albertsons located at 1650  
6 N Buffalo Dr. in Las Vegas, NV 89128. While walking near a flower stand, Plaintiff  
7 slipped on a wet substance on the floor and fell. The wet substance on the floor  
8 appeared to be water. There were no signs or other objects warning of the unsafe and  
9 dangerous condition. The flooring was not appropriate for its intended use. As a result  
10 of the slip and fall, Plaintiff suffered bodily injury, pain and suffering.  
11

12 Following the incident, Plaintiff presented to Central Las Vegas Spine and Injury  
13 Center, where she was diagnosed with acute cervicobrachial syndrome with posterior  
14 shoulder pain, facet syndrome, sprain/strain injuries of the thoracic paravertebral soft  
15 tissue structures, segmental dysfunction, acute facet syndrome sprain/strain injuries of  
16 the lumbar spine paravertebral soft tissue structures, with associated lumbar segmental  
17 dysfunction and pain; acute post traumatic headaches; acute bilateral lower extremity  
18 radiating pain; acute sprain/strain injuries of the left shoulder soft tissue structures,  
19 edema; acute sprain/strain injuries of the right shoulder soft tissue structures, with  
20 associated pain and edema; acute sprain/strain injuries of the right elbow and forearm  
21 soft tissue structures, with associated pain and edema; acute sprain/strain injuries of the  
22 right knee soft tissue structures, with associated pain and edema; acute contusion and  
23 sprain/strain injuries of the right wrist and hand soft tissue structures, with associated  
24 pain and edema. Plaintiff was further evaluated by Dr. Jorg Rosler, who recommended  
25  
26  
27  
28

1 facet joint block injections. On October 26, 2015 Dr. Rosler performed right facet block  
 2 injections. Then on February 29, 2016, Plaintiff underwent a second set of facet block  
 3 injections and a third set of facet block injections on April 18, 2016.

4 Plaintiff's medical specials to date are as follows:

5 **Medical Specials to Date:**


6 Las Vegas Radiology	\$ 3,750.00
7 Las Vegas Spine & Rehabilitation	\$ 5,963.00
8 Interventional Pain and Spine Institute	\$23,925.00
9 Surgical Arts Center	\$34,575.00
10 Western Regional Center for Brain & Spine Surgery	\$ 1,825.00
11 Summit Anesthesia Consultants	\$ 600.00
12 Anesthesiology Consultants	\$ 1,680.00
13 Nevada Muscle & Nerve	\$14,100.00
14 PBS Anesthesia	\$ 750.00
15 <b>Total</b>	<b>\$87,168.00</b>

16 In light of Plaintiff's past medical specials and past and future pain and suffering,  
 17 this case has a probable value of more than \$50,000.00.

18 I certify that pursuant to NRCP 11 that this case is within the exemption marked  
 19 above, and I am aware of the sanctions that may be imposed against any attorney or  
 20 party who without good cause or justification attempts to remove a case from the  
 21 arbitration program.

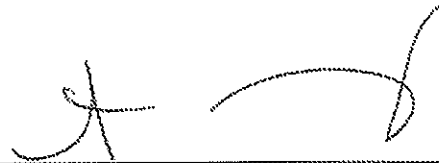
22 DATED this 27 day of March, 2017.

23 **DE CASTROVERDE LAW GROUP**

24 By:   
 25 Orlando De Castroverde  
 26 Nevada Bar No. 7320  
 27 Peter Petersen  
 28 Nevada Bar No. 14256  
 1149 S. Maryland Pkwy  
 Las Vegas, NV 89104  
 702.383.0606  
 Attorneys for Plaintiff

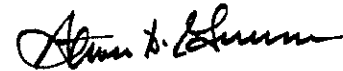
CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of De  
CASTROVERDE LAW GROUP and that on the 27 day of March, 2017, I caused a  
the foregoing to be served via the Court's electronic filing and service systems  
("Wiznet") to all parties on the current service list.



An employee of De Castroverde Law Group

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CLERK OF THE COURT

**SUMM**

Alex J. De Castroverde  
Nevada Bar No. 6950  
Orlando De Castroverde  
Nevada Bar No. 7320  
**DE CASTROVERDE LAW GROUP**  
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Email: Alex@decastrovedelaw.com  
Email: Orlando@decastroverdelaw.com  
Attorney for Plaintiff

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

**SILVIA SANDOVAL,**

Plaintiff,

v.

**ALBERTSONS, LLC d/b/a Albertsons;  
DOES I-X, inclusive, and ROE  
CORPORATIONS I-X, inclusive,**

Defendants.

CASE NO.: A-17-750493-C  
DEPT NO.: XXX

**SUMMONS - CIVIL**

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD  
UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

**TO THE DEFENDANT:** A civil Complaint has been filed by the plaintiff against you for the relief set forth in the Complaint.

**ALBERTSONS, LLC d/b/a Albertsons**

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you exclusive of the day of service, you must do the following:
  - a. File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court.
  - b. Serve a copy of your response upon the attorney whose name and address is shown below.
2. Unless you respond, your default will be entered upon application of the plaintiff and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators each have 45 days after service of this Summons within which to file an Answer or other responsive pleading to the Complaint.

Submitted by:

CLERK OF THE COURT

FEB 03 2017

DE CASTROVERDE LAW GROUP

By:

Orlando De Castroverde  
Nevada Bar No. 7320  
Carlos Blumberg  
Nevada Bar No. 7607  
1149 S. Maryland Pkwy  
Las Vegas, NV 89104  
Attorneys for Plaintiff  
(702) 383-0606

By:

Deputy Clerk  
Regional Justice Center  
200 Lewis Avenue  
Las Vegas, NV 89155

DREANNA HOGANS

NOTE: When services is by publication, add a brief statement of the object of the action. See Nevada Rules of Civil Procedure 4(b).

IN THE EIGHTH JUDICIAL DISTRICT COURT  
IN AND FOR THE COUNTY OF CLARK

SILVIA SANDOVAL,

Plaintiff(s),

VS.

CASE NO: A-17-750493-C

ALBERTSONS, LLC d/b/a ALBERTSONS,

Defendant(s),

Declaration of Service

STATE OF NEVADA  
COUNTY OF WASHOE

ss.:

KATHERINE BURRESS-SCHNEIDER, being duly sworn says: That at all times herein Affiant was and is a citizen of the United States, over 18 years of age, and not a party to nor interested in the proceedings in which this Affidavit is made.

That Affiant received copy(ies) of the SUMMONS - CIVIL; COMPLAINT On 2/15/2017 and served the same on 2/16/2017 at 1:00 PM by delivery and leaving a copy with:

KAEI BIGGIN - PROCESS SPECIALIST, pursuant to NRS 14.020 as a person of suitable age and discretion, of the office of THE CORPORATION TRUST COMPANY OF NEVADA, registered agent for ALBERTSONS, LLC d/b/a ALBERTSONS, at the registered address of:

701 S Carson St Ste 200, Carson City, NV 89701-5239

A description of KAEI BIGGIN is as follows

Gender	Color of Skin/Race	Hair	Age	Height	Weight
Female	White - Non Hispanic	Blond	18 - 25	5'0 - 5'6	120-140 Lbs

Pursuant to NRS 239B.030 this document does not contain the social security number of any person.

Affiant does hereby affirm under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed on: 3/5/2017

by KATHERINE BURRESS-SCHNEIDER

No notary is required per NRS 53.045

X

KATHERINE BURRESS-SCHNEIDER

Registration#:

KC INVESTIGATIONS

1148 S. MARYLAND PKWY

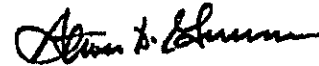
LAS VEGAS, NV 89104

(702) 738-4902





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CLERK OF THE COURT

**COMP**

Alex J. De Castroverde  
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Orlando De Castroverde  
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Email: orlando@decastroverdelaw.com  
*Attorneys for Plaintiff*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

SILVIA SANDOVAL,

Plaintiff,

v.

ALBERTSONS, LLC d/b/a ALBERTSONS;  
DOES I-X, inclusive, and ROE  
CORPORATIONS I-X, inclusive,

Defendants.

CASE NO.: A-17-750493-C  
DEPT NO.: XXX

**COMPLAINT**

Comes Now, Plaintiff SILVIA SANDOVAL, by and through her attorneys of record, Alex De Castroverde and Orlando De Castroverde, and complains against Defendant as follows:

**Jurisdiction and General Allegations**

1. All the events alleged in this Complaint took place in Clark County, Nevada.
2. Plaintiff, SILVIA SANDOVAL (hereinafter referred to as "Plaintiff"), is, and at all times mentioned in this Complaint was, a resident of Clark County, Nevada.
3. Upon information and belief, Defendant, ALBERTSONS, LLC d/b/a ALBERTSONS, ("Defendant"), is, and at all times mentioned in this Complaint was, a foreign corporation doing business in Clark County, Nevada.

1 4. The true names and capacities of the Defendants DOE I through X and the  
2 Defendants ROE I through X are unknown to Plaintiff at this time. Therefore,  
3 Plaintiff sues these Defendants by such fictitious names and when their true  
4 names and capacities are ascertained, Plaintiff will amend this Complaint  
5 accordingly. Plaintiff believes each of these Defendants designated as a DOE or  
6 ROE is responsible in some manner for the injuries and damages suffered by  
7 Plaintiff.  
8

9 **Specific Allegations**

10 5. On or about July 5, 2015, Plaintiff was a patron at the ALBERTSONS located at  
11 1650 N Buffalo Dr. in Las Vegas, NV 89128.  
12

13 6. While walking near a flower stand, Plaintiff slipped on a wet substance on the  
14 floor and fell.

15 7. The wet substance on the floor appeared to be water.

16 8. There were no signs or other objects warning of the unsafe and dangerous  
17 condition.  
18

19 9. The flooring was not appropriate for its intended use.

20 10. As a result of the slip and fall, Plaintiff suffered bodily injury, pain and suffering.

21 **First Cause of Action – Negligence**

22 11. Plaintiff re-alleges paragraphs 1 through 10 as though fully set forth herein.

23 12. Defendant owed Plaintiff a duty to maintain its premises in a reasonably safe  
24 condition and to warn customers of dangerous conditions.  
25

26 13. By creating or permitting a dangerous condition to exist on its premises and  
27 failing to warn of such condition, Defendant breached that duty.  
28

1 14. As a proximate result of that breach, Plaintiff has suffered damages, which  
2 include but are not limited to bodily injury, past and future medical specials, past  
3 and future pain and suffering, and mental anguish.

4 **Second Cause of Action – Negligent Hiring, Training, Supervision, and Retention**

5 15. Plaintiff re-alleges paragraphs 1 through 14 as though fully set forth herein.

6  
7 16. Defendant had a duty to adequately hire, train, supervise, and retain its  
8 employees and/or other persons and/or entities responsible for the inspection of  
9 the Property to ensure that a safe environment was provided for its invitees  
10 and/or licensees.

11  
12 17. Defendant breached its duty in that it failed to hire responsible employees, failed  
13 to train its employees to keep the premises safe for customer use, failed to  
14 supervise its employees, and retained employees that displayed unsafe  
15 practices.

16  
17 18. These failures led to Defendant's employees failing to recognize a slip and fall  
18 hazard, failing to remedy the hazard, and failing to warn customers of the hazard.

19 19. These failures proximately led to Plaintiff's slip and fall and resulting injuries.

20 **Third Cause of Action—Vicarious Liability/Respondeat Superior**

21 20. Plaintiff re-alleges paragraphs 1-19 as though fully set forth herein.

22 21. Employers, masters, and principals are vicariously liable for the torts committed  
23 by their employees, servants, and agents if the tort occurs while the employee,  
24 servant or agent was acting in the course and scope of employment.

25  
26 22. Accordingly, pursuant to N.R.S. 41.130, Defendant is vicariously liable for the  
27 damages caused by its employees' actions and negligence, further  
28

1 encompassing the actions of those hired by Defendant to maintain the premises  
2 and equipment. N.R.S. 41.130 states as follows:

3 Except as otherwise provided in NRS 41.745, whenever any person  
4 shall suffer personal injury by wrongful act, neglect or default of  
5 another, the person causing the injury is liable to the person injured for  
6 damages; and where the person causing the injury is employed by  
7 another person or corporation responsible for the conduct of the  
8 person causing the injury, that other person or corporation so  
9 responsible is liable to the person injured for damages.

10 23. Defendant was the employer, master, and principle of the remaining Defendants  
11 and other employees, agents, independent contractors and/or representatives  
12 who negligently failed to inspect, maintain and warn of dangerous conditions in  
13 and about the common walkways on the property.

14 Conclusion

15 Plaintiff has been required to retain the services of an attorney to prosecute this  
16 action.

17 WHEREFORE, Plaintiff, expressly reserving the right to amend this Complaint,  
18 prays for judgment against Defendant as follows:

- 19 1. General damages in excess of \$15,000;
- 20 2. Special damages in excess of \$15,000
- 21 3. Attorney's fees and costs;
- 22 4. Interest at the statutory rate; and

23 //

24 //

DATED: 25 January 2017.

**By:**  
Orlando De Castroverde  
Nevada Bar No. 7320  
Alex De Castroverde  
Nevada Bar No. 6950  
Kimberly Valentin  
Nevada Bar No. 12509  
1149 S. Maryland Parkway  
Las Vegas, Nevada 89104  
*Attorneys for Plaintiff*

1 **CONS**  
 2 **LEW BRANDON, JR., ESQ.**  
 Nevada Bar No. 5880  
 3 **KRIS D. KLINGENSMITH, ESQ.**  
 Nevada Bar No. 13904  
 4 **MORAN BRANDON BENDAVID MORAN**  
 630 S. Fourth Street  
 5 Las Vegas, Nevada 89101  
 (702) 384-8424  
 6 (702) 384-6568 - *facsimile*  
 7 *l.brandon@moranlawfirm.com*  
 Attorneys for Defendant,  
 8 ALBERTSONS, LLC

9 **DISTRICT COURT**  
 10 **CLARK COUNTY, NEVADA**

11 SILVIA SANDOVAL,

12 Plaintiff,

13 v.

14 ALBERTSONS, LLC d/b/a  
 15 ALBERTSONS; DOES I – X, and ROE  
 16 CORPORATIONS I - X, inclusive,

17 Defendants.

CASE NO.: A-17-750493-C  
 DEPT. NO.: XXX

18 **CONSENT TO SERVICE BY ELECTRONIC MEANS THROUGH E-FILING**  
 19 **PROGRAM**

20 The undersigned parties hereby consent to service of documents by electronic means  
 21 through the Court's e-filing program on behalf of the following parties: ALBERTSONS, LLC.

22 Documents served by electronic means must be transmitted to the following persons at  
 23 the e-mail addresses listed: l.brandon@moranlawfirm.com; d.nocedal@moranlawfirm.com.

24 It is my understanding that the attachments may be transmitted to the program in any  
 25 format and will be converted to a PDF file before service is effected.  
 26



28 MORAN BRANDON  
 BENDAVID MORAN  
 ATTORNEYS AT LAW

636 SOUTH 4TH STREET  
 LAS VEGAS, NEVADA 89101  
 PHONE: (702) 384-8424  
 FAX: (702) 384-6568

1 The undersigned also acknowledges that this Consent does not require service by  
2 electronic means unless the serving party elects to do so.

3 DATED this 6<sup>th</sup> day of March, 2017.

4 **MORAN BRANDON BENDAVID MORAN**

5 /s/ Lew Brandon, Jr., Esq.

6 **LEW BRANDON, JR., ESQ.**

7 Nevada Bar No. 5880

8 **KRIS D. KLINGENSMITH, ESQ.**

9 Nevada Bar No. 13904

10 630 S. Fourth Street

11 Las Vegas, Nevada 89101

12 Attorneys for Defendant,

13 ALBERTSONS, LLC.

14 **CERTIFICATE OF SERVICE**

15 Pursuant to NRCP 5(b), I hereby certify that on the 6<sup>th</sup> day of March, 2017, I served the  
16 foregoing **CONSENT TO SERVICE BY ELECTRONIC MEANS THROUGH E-FILING**  
17 **PROGRAM** via the Court's electronic filing and service systems to all parties on the current  
18 service list.

19 **ALEX J. DE CASTROVERDE, ESQ.**

20 Nevada Bar No. 6950

21 **ORLANDO DE CASTROVERDE, ESQ.**

22 Nevada Bar No. 7320

23 **DE CASTROVERDE LAW GROUP**

24 1149 South Maryland Parkway

25 Las Vegas, Nevada 89104

26 (702) 383-0606

27 (702) 383-8741 – Facsimile

28 [alex@decastroverdelaw.com](mailto:alex@decastroverdelaw.com)

[orlando@decastroverdelaw.com](mailto:orlando@decastroverdelaw.com)

Attorneys for Plaintiff,

SILVIA SANDOVAL

/s/ Darcy Flores-Laguna

An Employee of Moran Brandon Bendavid Moran



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BENDAVID MORAN  
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1 ANSC  
2 LEW BRANDON, JR., ESQ.  
Nevada Bar No. 5880  
3 KRIS D. KLINGENSMITH, ESQ.  
Nevada Bar No. 13904  
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7 (702) 384-6568 - *facsimile*  
8 *l.brandon@moranlawfirm.com*  
Attorneys for Defendant,  
ALBERTSONS, LLC

  
CLERK OF THE COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

11 SILVIA SANDOVAL,

12 Plaintiff,

13 v.

14 ALBERTSONS, LLC d/b/a  
15 ALBERTSONS; DOES I – X, and ROE  
16 CORPORATIONS I - X, inclusive,

17 Defendants.

CASE NO.: A-17-750493-C  
DEPT. NO.: XXX

**DEFENDANT, ALBERTSONS, LLC'S ANSWER TO**  
**PLAINTIFF'S COMPLAINT**

20 COMES NOW, Defendant, ALBERTSONS, LLC, by and through its undersigned  
21 attorneys, LEW BRANDON, JR., ESQ. and KRIS D. KLINGENSMITH, ESQ. of MORAN  
22 BRANDON BENDAVID MORAN, and hereby answers the Plaintiff's Complaint on file herein  
23 as follows:

24  
25 1. Answering Paragraphs 1, 2, 4, 5, 6, 7 and 8 of Plaintiff's Complaint on file herein,  
26 Defendant is without sufficient knowledge or information to form a belief as to the truth or  
27 falsity of the said allegations and therefore denies same.  
28



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FAX: (702) 384-6568



2. Answering Paragraphs 3, 9 and 10 of Plaintiff's Complaint on file herein, Defendant denies the allegations contained therein.

**FIRST CAUSE OF ACTION - NEGLIGENCE**

3. Answering Paragraph 11 of Plaintiff's Complaint on file herein, Defendant repeats and realleges each and every allegation in Paragraphs 1 through 10 as fully set forth herein.

4. Answering Paragraph 12 of Plaintiff's Complaint on file herein, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the said allegations and therefore denies same.

5. Answering Paragraph 13 of Plaintiff's Complaint on file herein, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the said allegations that by creating or permitting a dangerous condition to exist on its premises and failing to warn of such condition and therefore denies same. The remainder of Paragraph 13 is hereby denied.

6. Answering Paragraph 14 of Plaintiff's Complaint on file herein, Defendant denies the allegations contained therein.

**SECOND CAUSE OF ACTION – NEGLIGENT HIRING, TRAINING, SUPERVISION**

**AND RETENTION**

7. Answering Paragraph 15 of Plaintiff's Complaint on file herein, Defendant repeats and realleges each and every allegation in Paragraphs 1 through 14 as fully set forth herein.

8. Answering Paragraph 16 of Plaintiff's Complaint on file herein, Defendant is without sufficient knowledge or information to form a belief as to the truth or falsity of the said allegations and therefore denies same.



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FAX (702) 394-8888

1           9. Answering Paragraphs 17, 18 and 19 of Plaintiff's Complaint on file herein,  
2 Defendant denies the allegations contained therein.

3           **THIRD CAUSE OF ACTION –VICARIOUS LIABILITY/RESPONDEAT SUPERIOR**

4           10. Answering Paragraph 20 of Plaintiff's Complaint on file herein, Defendant  
5 repeats and realleges each and every allegation in Paragraphs 1 through 19 as fully set forth  
6 herein.

7  
8           11. Answering Paragraphs 21, 22 and 23 of Plaintiff's Complaint on file herein,  
9 Defendant is without sufficient knowledge or information to form a belief as to the truth or  
10 falsity of the said allegations and therefore denies same.

11                               **CONCLUSION**

12           12. Answering the Conclusion Paragraph (*not numbered – sic*) of Plaintiff's  
13 Complaint on file herein, Defendant denies the allegations contained therein.

14           13. Any allegation not addressed herein is thereby denied.

15                               **AFFIRMATIVE DEFENSES**

16                               **FIRST AFFIRMATIVE DEFENSE**

17           Plaintiff's Complaint fails to state a claim against Defendant upon which relief can be  
18 granted.

19                               **SECOND AFFIRMATIVE DEFENSE**

20           Defendant alleges that at the time and place alleged in Plaintiff's Complaint, Plaintiffs  
21 did not exercise ordinary care, caution or prudence for the protection of herself and any  
22 damages complained of by Plaintiff in her Complaint, were directly or proximately caused or  
23 contributed to by the fault, failure to act, carelessness and negligence of Plaintiff.

24  
25  
26  
27  
28  
///



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FAX: (702) 384-8568

**THIRD AFFIRMATIVE DEFENSE**

Defendant alleges that the Plaintiff assumed whatever risk or hazard existed at the time of this incident, if any there were, and was therefore responsible for the alleged damage suffered and further that the Plaintiff was guilty of negligence of her own acts which caused or contributed to by the fault, failure to act, carelessness or negligence of Plaintiff.

**FOURTH AFFIRMATIVE DEFENSE**

All the risks and dangers involved in the factual situation described in Plaintiff's Complaint, if any there were, were open, obvious and known to the Plaintiff and by reason thereof, Plaintiff assumed the risks and dangers inherent thereto.

**FIFTH AFFIRMATIVE DEFENSE**

Defendant alleges that the negligence of the Plaintiff exceeded that of the Defendant, and that the Plaintiffs are thereby barred from recovery.

**SIXTH AFFIRMATIVE DEFENSE**

Pursuant to NRCP 11, as amended: All possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of Defendant's Answer, and therefore, Defendant reserves the right to amend this Answer to allege additional affirmative defenses if subsequent investigation warrants.

**SEVENTH AFFIRMATIVE DEFENSE**

The damages sustained by Plaintiff, if any, were caused by the acts of third persons who were not agents, servants or employees of this answering Defendant and who were not acting on behalf of this answering Defendant in any manner or form and as such, this Defendant is not liable in any matter to the Plaintiff.

///



MORAN BRANDON  
BENDAVID MORAN  
ATTORNEYS AT LAW

836 SOUTH 4TH STREET  
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PHONE: (702) 384-8424  
FAX: (702) 384-6588

**EIGHTH AFFIRMATIVE DEFENSE**

Defendant at all times relevant to the allegations contained in Plaintiff's Complaint, acted with due care and circumspection in the performance of any and all duties imposed on it.

**NINTH AFFIRMATIVE DEFENSE**

That it has been necessary of the Defendant to employ the services of an attorney to defend the action and a reasonable sum should be allowed Defendant for attorney's fees, together with costs of suit incurred herein.

**TENTH AFFIRMATIVE DEFENSE**

Plaintiff has failed to mitigate her alleged damages, and, to the extent of such failure to mitigate any damages awarded to Plaintiff, should be reduced accordingly.

**ELEVENTH AFFIRMATIVE DEFENSE**

Plaintiff's claims are barred by applicable statutes of limitations.

**TWELFTH AFFIRMATIVE DEFENSE**

Defendant objects as to authentication, foundation and genuineness of all of Plaintiff's medical providers and documents listed or presented by Plaintiff.

WHEREFORE, Defendant, ALBERTSONS, LLC, prays as follows:

1. That Plaintiff take nothing by way of her Complaint on file herein;
2. For reasonable attorney's fees and costs of suit incurred herein; and

///

///

///

///



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3. For such other and further relief as the Court may deem just and proper in the premises.

DATED this 6<sup>th</sup> day of March, 2017.

**MORAN BRANDON BENDAVID MORAN**

/s/ Lew Brandon, Jr., Esq.

**LEW BRANDON, JR., ESQ.**

Nevada Bar No. 5880

**KRIS D. KLINGENSMITH, ESQ.**

Nevada Bar No. 13904

630 S. Fourth Street

Las Vegas, Nevada 89101

Attorneys for Defendant,

ALBERTSONS, LLC.

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I hereby certify that on the 6<sup>th</sup> day of March, 2017, I served the foregoing **DEFENDANT, ALBERTSONS, LLC'S ANSWER TO PLAINTIFF'S COMPLAINT** via the Court's electronic filing and service systems to all parties on the current service list.

**ALEX J. DE CASTROVERDE, ESQ.**

Nevada Bar No. 6950

**ORLANDO DE CASTROVERDE, ESQ.**

Nevada Bar No. 7320

**DE CASTROVERDE LAW GROUP**

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Attorneys for Plaintiff,

SILVIA SANDOVAL

/s/ Darcy Flores-Laguna

An Employee of Moran Brandon Bendavid Moran



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*l.brandon@moranlawfirm.com*  
Attorneys for Defendant,  
ALBERTSONS, LLC

  
CLERK OF THE COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

SILVIA SANDOVAL,

Plaintiff,

v.

ALBERTSONS, LLC d/b/a  
ALBERTSONS; DOES I – X, and ROE  
CORPORATIONS I - X, inclusive,

Defendants.

CASE NO.: A-17-750493-C  
DEPT. NO.: XXX

DEMAND FOR JURY TRIAL

COMES NOW, Defendant, ALBERTSONS, LLC. by and through its attorneys of record, LEW BRANDON, JR., ESQ. and KRIS D. KLINGENSMITH, ESQ. of MORAN BRANDON BENDAVID MORAN, and hereby demands a Jury Trial in the above-entitled

///

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BENDAVID MORAN  
ATTORNEYS AT LAW

630 SOUTH 4TH STREET  
LAS VEGAS, NEVADA 89101  
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1 action.

2 DATED this 6<sup>th</sup> day of March, 2017.

3 **MORAN BRANDON BENDAVID MORAN**

4 /s/ Lew Brandon, Jr., Esq.

5 **LEW BRANDON, JR., ESQ.**

6 Nevada Bar No. 5880

7 **KRIS D. KLINGENSMITH, ESQ.**

8 Nevada Bar No. 13904

9 630 S. Fourth Street

10 Las Vegas, Nevada 89101

11 Attorneys for Defendant,

12 ALBERTSONS, LLC.

13 **CERTIFICATE OF SERVICE**

14 Pursuant to NRCP 5(b), I hereby certify that on the 6<sup>th</sup> day of March, 2017, I served the  
15 foregoing **DEMAND FOR JURY TRIAL** via the Court's electronic filing and service systems  
16 to all parties on the current service list.

17 **ALEX J. DE CASTROVERDE, ESQ.**

18 Nevada Bar No. 6950

19 **ORLANDO DE CASTROVERDE, ESQ.**

20 Nevada Bar No. 7320

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27 [orlando@decastroverdelaw.com](mailto:orlando@decastroverdelaw.com)

28 Attorneys for Plaintiff,

**SILVIA SANDOVAL**

/s/ Darcy Flores-Laguna

An Employee of Moran Brandon Bendavid Moran



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CLERK OF THE COURT

IAFD  
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*l.brandon@moranlawfirm.com*  
Attorneys for Defendant,  
ALBERTSONS, LLC

DISTRICT COURT  
CLARK COUNTY, NEVADA

SILVIA SANDOVAL,

Plaintiff,

v.

ALBERTSONS, LLC d/b/a  
ALBERTSONS; DOES I – X, and ROE  
CORPORATIONS I - X, inclusive,

Defendants.

CASE NO.: A-17-750493-C  
DEPT. NO.: XXX

**INITIAL APPEARANCE FEE DISCLOSURE**  
(NRS CHAPTER 19)

Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are submitted  
for parties appearing in the above-entitled action as indicated below:

1. ALBERTSONS, LLC., Defendant .....\$223.00

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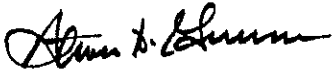
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CLERK OF THE COURT

1 **DSST**  
2 **LEW BRANDON, JR., ESQ.**  
3 Nevada Bar No. 5880  
4 **KRIS D. KLINGENSMITH, ESQ.**  
5 Nevada Bar No. 13904  
6 **MORAN BRANDON BENDAVID MORAN**  
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11 *l.brandon@moranlawfirm.com*  
12 Attorneys for Defendant,  
13 ALBERTSONS, LLC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

11 SILVIA SANDOVAL,

12 Plaintiff,

13 v.

14 ALBERTSONS, LLC d/b/a  
15 ALBERTSONS; DOES I – X, and ROE  
16 CORPORATIONS I - X, inclusive,

17 Defendants.

CASE NO.: A-17-750493-C  
DEPT. NO.: XXX

**DISCLOSURE STATEMENT PURSUANT TO NRCP 7.1**

18  
19 The undersigned counsel of record for Defendant, ALBERTSONS, LLC., A  
20 DELAWARE LIMITED LIABILITY COMPANY hereby certifies that to their knowledge,  
21 ALBERTSONS, LLC.'s parent company is Albertson's Holding, LLC., a Delaware limited  
22 liability company, and is not publically traded.  
23

24 ///

25 ///

26 ///



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ATTORNEYS AT LAW

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PHONE (702) 384-8424  
FAX (702) 384-6568

1 There are no other known interested parties other than those identified.

2 DATED this 6<sup>th</sup> day of March, 2017.

3 MORAN BRANDON BENDAVID MORAN

4 /s/ Lew Brandon, Jr., Esq.

5 LEW BRANDON, JR., ESQ.

6 Nevada Bar No. 5880

7 KRIS D. KLINGENSMITH, ESQ.

8 Nevada Bar No. 13904

9 630 S. Fourth Street

10 Las Vegas, Nevada 89101

11 Attorneys for Defendant,

12 ALBERTSONS, LLC.

13 **CERTIFICATE OF SERVICE**

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15 foregoing **DISCLOSURE STATEMENT PURSUANT TO NRCP 7.1** via the Court's  
16 electronic filing and service systems to all parties on the current service list.

17 ALEX J. DE CASTROVERDE, ESQ.

18 Nevada Bar No. 6950

19 ORLANDO DE CASTROVERDE, ESQ.

20 Nevada Bar No. 7320

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28 Attorneys for Plaintiff,

SILVIA SANDOVAL

/s/ Darcy Flores-Laguna

An Employee of Moran Brandon Bendavid Moran



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